

MINUTES

KANSAS BOARD OF VETERINARY EXAMINERS  
Thursday, March 10, 2016  
1320 Research Park Drive, Manhattan, Kansas  
Board Meeting

This meeting of the Kansas Board of Veterinary Examiners was called to order at 1:34 P.M. by Board President Dr. Bogue. Board Members in attendance in addition to Dr. Bogue were Drs. Bentz, Dodson, Kobuszewski, Layton and Ritter. Mr. Allen could not attend this meeting due to last minute schedule commitment. Also present in Manhattan were Dr. William Brown, Dr. Dirk Hanson, Konrad Coe, Cheryl Mermis, KDA legal counsel Robert Large, and Executive Director of the KVMA-Kansas Veterinary Medical Association -Megan Kilgore.

Dr. Bogue welcomed and thanked those in attendance. Dr. Dodson moved to adopt the meeting agenda as proposed. Dr. Kobuszewski seconded the motion. The motion passed on a voice vote with no dissenting votes.

Dr. Dodson made a motion to approve the minutes of the previous meetings. Dr. Bentz seconded the motion. The motion passed on a voice vote with no dissenting votes.

Dr. Layton made the following motion, *"I move to recess into Executive Session in compliance with the Kansas Open Meeting Act to discuss personnel matter of non-elected personnel to protect the privacy of parties involved. We require only board members to be admitted to the executive session. The Board will reconvene the open meeting, in this same location, in 30 minutes and will resume at 2:15pm."*

At 2:20pm the Board reconvened in open session.

Dr. Brown informed the Board that **AAVSB**-American Association of Veterinary State Boards contacted him, wanting to know if KBVE wants to participate in their **VCET**-Veterinary Continuing Education Tracking and **PAVE**-Program for the Assessment of Veterinary Education Equivalence programs. Dr. Hanson provided some background and historical information as it pertained to the discussion of PAVE; many state boards recognize PAVE as a second pathway for a graduate of a non-accredited program to take, to gain licensure; KBVE does not currently have a regulation that accepts PAVE. Previously statutes specifically stated KBVE would accept graduates of non-accredited programs that completed the **AVMA**-American Veterinary Medical Association/**ECFVG**-Educational Commission for Foreign Veterinary Graduates program, several years ago that language was removed from statute, it was from that point on KBVE could accept PAVE but language would need to be added in to regulation that KBVE would accept ECFVG and/or PAVE. This could be done by appearing before a joint committee made up of legislators outside the legislative session. In light of time line of KBVE separating from KDA, Robert offered to start any work on proposed language for adding PAVE to regulation, specific to Article 4/application requirements but that it would be up to the board to continue the process and to approve and adopt amendments after July 1<sup>st</sup>. Robert informed the board the fee regulation would be the only regulation to be adopted under KDA which is set for a public hearing, the remainder of proposed regulations that the board approved would have to have a public hearing and adopted after July 1<sup>st</sup>.



The board members decided to table adding changes pertaining to acceptance of PAVE to Article 4 until after KBVE transitions out of KDA.

The discussion on the AAVSB/VCET component, Dr. Hanson informed the board members that it would not carry much value to KBVE given the current definition of continuing education in KANSAS; which is *"any program or activity which enhances the veterinarian's level of knowledge, skills or abilities to practice veterinary medicine"*, for licensees' to renew their Kansas veterinary license, they must sign a statement on their renewal form that they have obtained 20 hours of CE during each year that begins on July 1, and ends on June 30. The board decided to revisit this topic at a later time.

Robert informed the board that a short-term solution to the change in personnel that there will be some shuffling roles in the legal department with two KDA staff attorneys- Wendy Grady and Holly Fenton as litigation counsel on some cases and on others Robert will assume that role. From the case update status there are 2 cases highlighted that still need an order to be issued but that litigation counsel on these cases [Grady and Fenton] will need clarification on probable cause findings in order to move forward. The remainder of cases reflected on the report are in some form of activity with consent agreements issued and cite and fine cases that are closed. There are a couple cases that Robert will need to confer with a couple of board members on, for a short period of time at the conclusion of today's meeting. Robert informed the board he has exchanged email with Jeff Chaney in the Attorney General's Office, providing him with a snapshot of the current case load in an effort to work together on a transition. There has been no commitment from that office as to whether they would represent the KBVE but if they do it would be on a cost per service and Robert said he didn't know what that would amount to but he informed Jeff Chaney that KBVE will have a budget hearing next week and that any information he had to share would be helpful to the board. Robert will help to coordinate transitioning any current cases to new attorneys but relayed that it is the Secretary's preference that KDA-Legal continue work through June 30<sup>th</sup>.

Dr. Hanson gave the complaint case status report, there has been 4 new complaints in the last 30 days with the activity being high. There are 3 completed cases currently being referred to KDA litigation counsel but Dr. Hanson advised the board that they may want to consider a cut-off date, to transfer cases where probable cause is found. The early Wednesday morning conference calls with probable cause members are going well and Dr. Hanson thanked those participants.

Konrad gave the premise audit report, since February 1, 2016 there have been 49 inspections; 3 new premises, 2 deficiencies, and 2 non-compliance re-inspections.

Dr. Bentz is putting together a task force to gather input from around the State and from Dr. Apley at the Federal level. Dr. Bentz hopes to be able to provide an update to the Board by the June conference/meeting on how the FDA-veterinary feed directive-VFD will impact veterinarians in Kansas and whether there needs to be a clear definition added to KBVE's definition of the veterinary-client-patient-relationship [VCPR] in the practice act. Robert suggested that the Board might want to look at what could be accomplished in regulations since the Federal Government will defer to the States to define what is considered unprofessional conduct with regards to VFDs. KBVE may have latitude under existing statutory authority to address the VFDs in regulations verses opening up the practice act.

Dr. Brown informed the Board that he participated in a conference call with a representative from the FDA and was queried as to whether KS-VCPR meets Federal requirements and that animal health personnel are receiving approximately 2 telephone calls a week with individuals asking questions;



97 additionally Dr. Brown gave a presentation at Cattlemen's Day last Friday and captured questions  
98 pertaining to the VFD from that group that he will share with the Board for this discussion. Dr. Hanson  
99 reminded everyone about **K.S.A. 47-846 - Construction of act. Nothing in this act shall be**  
100 **construed as forbidding or further restricting any merchant or manufacturer from selling at**  
101 **such person's regular place of business, medicines, pharmaceutical products, biological**  
102 **products, feed additives, feed, appliances or other products used in the prevention or treatment**  
103 **of animal diseases or any person from selling or applying any pesticide, insecticide or**  
104 **herbicide.** Robert indicated that statute may need to be addressed.  
105

106 Dr. Dodson presented a preliminary budget that KBVE will be proposing; the projected net revenue in  
107 FY'17 is around \$370,000 with a 10% contribution of around \$37,000 to the State General Fund  
108 **which would equate to around \$333,000 as the total net projected revenue.**

109 The expected expenditures were based on previous 4 year averages when KBVE was a stand-alone  
110 agency and looking at current budgets KDA had worked out. Some cost savings will be realized in  
111 rent and there is currently a search for small office space in either Wamego or Topeka. There is an  
112 expense of approximately \$9000 for a DocuWare license to maintain our current accessibility and use  
113 of newly digitized documentation. **Approximate expenditures for FY'17 are depicted on the**  
114 **proposal as about \$290,000;** with the projected net revenue of \$333,000 it would equate to around  
115 \$43,000 increase to KBVE fee fund balance during FY'17. The KBVE budget will be presented to the  
116 budget committee at the Capitol next Thursday by Drs. Dodson and Layton.  
117

118 Dr. Ritter will let the staff know his availability, in the coming days, to attend the AAVSB-new board  
119 member training in Kansas City on May 21-23, 2016.  
120

121 Cheryl reported that veterinary technician registration renewal forms are ready to be mailed out on  
122 March 31<sup>st</sup>; veterinarian license renewal forms have been printed and are currently being prepared  
123 for a one-time mailing on May 31<sup>st</sup>.  
124

125 Dr. Layton and Robert have been working on the institutional license application which is different  
126 from the regular license application, trying to make the process easy for the new population under  
127 regulation with KBVE. The institutional license application is a 2-page document versus the  
128 veterinary license application consisting of 10 pages; since the institutional license applicant is hired  
129 by KSU it is the oneness that individual has been thoroughly vetted by the university; as having a  
130 DVM degree and is of good moral character; the statement of citizenship was omitted because there  
131 will be staff at KSU that are not U.S. Citizens and will have met some form of vetting through KSU.  
132 There will be [2] upcoming deadlines; July 1 will be for the facility and residents currently at KSU, the  
133 new incoming interns and first year residents will be licensed by June 1. Institutional license  
134 application packets will be mailed around the 1<sup>st</sup> of April, to a short list of 'incoming' and around [60]  
135 institutional license application packets will be provided to KSU around mid-May if not before, for the  
136 current staff members.

137 Dr. Hanson suggested adding language to the application which would clearly state that **a KBVE**  
138 **institutional license is not a license to practice outside the confines of KSU, not eligible for**  
139 **licensure by endorsement and/or not eligible for licensure by reciprocity,** because we are  
140 waiving so many licensure requirements to grant this we would want to make sure these people do  
141 not look at this as a pathway to licensure in another state when they wouldn't be eligible for licensure  
142 in that state.

143 There are regulations that state the license application is the way that it is but KBVE will have to  
144 make some changes in regulations that specifically address the institutional license application.

145  
146 Megan offered to include any information KBVE would like to communicate, to licensees and their  
147 membership, in KVMA newsletters.

148  
149 The next meeting of the Board will be on Wednesday, April 6, 2016 at 10A.M., at KDA/Manhattan.

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151 Dr. Dodson moved that the meeting be adjourned, Dr. Kobuszewski seconded. Motion passed.

152 Having no further business before the Board at this time, the meeting adjourned at 3:45 P.M.

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156 Signed \_\_\_\_\_

*Gregory E. Boger DVM*

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